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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,453	05/01/2006	Lothar Dittmer	2002P01596WOUS	8061

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

NOTIFICATION DATE	DELIVERY MODE
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07/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/539,453	Applicant(s) DITTMER ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24,30 and 48-64 is/are pending in the application.
- 4a) Of the above claim(s) 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24,30 and 48-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20050822</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 18, 20-24 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith (US 3,287,817). Claims using the means plus function language are construed and applicants' intention to invoke the sixth paragraph of 35 USC 112 because the means for language is used modified by functional language and not modified by sufficient material, acts, or steps. The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Smith, as comprising:

at least two electrodes **80, 81**, each fixed to a respective receiving area of a laundry dryer; and

means **76** for heat reduction from at least a part of at least one of the electrodes, the means **92** for heat reduction operating to reduce a temperature of the part of the at least one electrode below a temperature of the respective receiving area of the laundry dryer. Smith also discloses the claimed means for heat reduction are arranged on the rear of the electrodes (column 4 lines 21-48), wherein the means for heat reduction includes at least one of means for improving radiation of heat from the electrodes and cooling surfaces, which are connected to the electrodes (column 3 lines 70-73 wherein the disclosed control circuit meets the structural and function limitations of the claimed means for air supply and electrode arrangement because the disclosed analog to digital

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signal conversion allows precise temperature difference recognition and there for cooler air is being removed), means for heat reduction comprises means for air supply and the electrodes are arranged on a component in which openings are formed, cool air being supplied and removed from the electrodes, whereby the cool air is supplied through a middle opening and the cool air is removed through at least one side opening (column 4 line 45), wherein the means for air supply are formed by defined faulty air openings in the vicinity of the electrodes, through which ambient air can be conveyed to the electrodes (column 3 line 75), wherein the means for air supply comprises at least one of a fan **76** and a source of compressed air (compressed air is inherent to a fan because fans produce compressed air), and wherein the electrodes are built fixed in the laundry dryer (column 4 line 5).

Claims 48 and 51 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Frye (US 2,511,839). The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Frye, as comprising:

an electrode **54** or **55** of a moisture sensor fixed to a respective receiving area of the laundry dryer; and

a cooler that cools the electrode, the cooler operating to reduce a temperature of the electrode below a temperature of the respective receiving area of the laundry dryer (column 4 line 69 through column 5 line 22). Frye also discloses the claimed cooler permitting air flow through the pipe and opening (column 4 line 69 through column 5 line 22).

Claim Rejections - 35 USC § 103

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye in view of Kelm (US 3,141,957). Frye discloses the claimed invention, as rejected above, except for the claimed opposite electrodes. Kelm, another electrical device which might be used for a laundry dryer, discloses that features at column 1 line 43 through column 2 line 6 particularly column 1 line 67. It would have been obvious to one skilled in the art to combine the teachings of Frye with opposite electrodes, as disclosed in Turetta, for the purpose of optimizing means of removing undesirable heat in a laundry drying operation with a dual fan operating system.

Claims 49-50, 52-53, 57, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frye. Frye discloses the claimed invention, as rejected above, except for the claimed inside cooler, cooler opening, plurality of openings, or outside flow. It would have been an obvious matter of design choice to recite those features, since the teachings of Frye, would perform the invention as claimed, regardless of the claimed inside cooler, cooler opening, plurality of openings, or outside flow.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye in view of Turetta et al. (US 5,228,212). Frye discloses the claimed invention, as rejected above, except for the claimed first and second fans and condenser. Turetta, another device for a laundry dryer, discloses those features at column 3 lines 6-24 and column 5 line 67 through column 6 line 4. It would have been obvious to one skilled in the art to combine the teachings of Frye with first and second fans and condenser, as disclosed in

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Turretta, for the purpose of optimizing means of removing undesirable heat in a laundry drying operation with a dual fan operating system.

Claims 55-56, 58, and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith. Smith discloses the claimed invention, as rejected above, except for the claimed voltage arrangement, air mixture, or relative rotation mount. It would have been an obvious matter of design choice to recite those features, since the teachings of Smith, would perform the invention as claimed, regardless of the claimed voltage arrangement, air mixture, or relative rotation mount.

Response to Arguments

Applicants' arguments with respect to claims 18-24, 30, and 48-54 have been considered but are moot-in-part on the new grounds of rejection.

With respect to the claimed means for heat reduction, that feature is construed to invoke the sixth paragraph of 35 USC 112. This limitation invokes 35 USC § 112, ¶ 6 because it meets the 3-prong analysis set forth in MPEP 2181 as it recites the phrase "means for" or "step for" (or appellant identifies the limitation as a means (or step) plus function limitation in the appeal brief) and the phrase is modified by functional language and it is not modified by sufficient structure, material, or acts for performing the recited function. Also see *Altiris Inc. v. Semantec Corp.*, 318 F.3d 1363, 1375 (Fed. Cir. 2003). 35 USC § 112, ¶ 6, requires such claim to be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an

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applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section § 112.” *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ 1845, 1850 (Fed. Cir. 1994) (en banc.). For a computer-implemented means-plus-function claim limitation that invokes 35 USC § 112, ¶ 6, the corresponding structure is required to be more than simply a general purpose computer. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008). The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer. *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). The written description must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the claimed function. *Aristocrat*, 521 F.3d at 1338, 86 USPQ2d at 1242. In this application, the teachings of Smith meet the means plus function claim limitation because the argued electrodes 80, 81 placed on the electrically insulated vane 66 with water absorptive material 82 between the electrodes act to also thermally insulate the electrodes and keep cooling moisture around the electrode in order to reduce temperature around the electrodes. Furthermore the argued temperature below the receiving area feature is inherent because as the electrodes spin inside the drum on the vane, the airflow past the vane provides a lowering temperature effect since the rotation allows moving air to keep the temperature below the receiving area.

With respect to the rejections under Frye as a primary reference and secondary references, current Office practice guides examination such that claims are to be reasonably and broadly construed, in light of the accompanying specification. In this application, it is argued that Frye discloses that the ring electrodes 54, 55 do not sense moisture. Under the reasonably broad claim construction, those electrodes are mounted on ends of the drum such that they are operated with a batch of damp textile materials (beginning at column 4 line 60 of that reference). Because the electrodes are in contact with damp materials, it meets the claimed moisture sensing (it is in full contact sensing) and damp material is always at a temperature below the receiving area. The mounting of those electrodes, as suggested by applications, can meet the structure and function of the claimed invention.

Regarding Turetta reference rejection, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Conclusion

Prior art references cited with this action contain one or more elements of the claimed invention, but are not relied upon in rejecting the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743